

## REGULATORY AGENCY ACTION



gist should have the same qualifications as other practicing geologists throughout the state, since the State Geologist often speaks, acts, and reports as a representative of the state in matters pertaining to geology hazards such as earthquakes, landslides, volcanic activity, and subsidence. In addition, it is the Board's opinion that geology documents issued by the Division of Mines and Geology must be signed by a registered geologist. The law does not permit a licensed geophysicist to sign the geologic reports, maps, and documents which may be required of the State Geologist. AB 1727 was vetoed by the Governor on September 30.

SB 86 (*Boatwright*) originally called for the abolition of BRGG. (See CRLR Vol. 7, No. 4 (Fall 1987) p. 51.) Following an interim hearing in Palm Springs on December 7, at which public comments on SB 86 and several similar measures were heard, SB 86 was amended into SB 87, which originally called for the abolition of the Board of Landscape Architects (BLA). As amended January 12, SB 87 would have merged the BRGG and the BLA. However, following cancellation of a January 14 hearing before the Senate Business and Professions Committee, Senator Boatwright's office indicated that the Senator will no longer pursue SB 87.

#### RECENT MEETINGS:

At its October meeting, the Board discussed an article in the September 1987 issue of *Geotimes*, a magazine distributed nationally to geology professionals by the American Geological Institute in Washington, D.C., encouraging states to provide specialty certification for groundwater geologists. At this time BRGG has no plans to create such a specialty certification. One reason for this position is the concern that specialty certification in groundwater may actually conflict with existing laws and regulations. Additionally, this certification would not include licensed engineers and petroleum engineers, who are exempt from the registration requirements of the Geologist and Geophysicist Act and could therefore continue to practice in the field of groundwater geology without specialty certification. T.L. Wright, chair of BRGG's Professional Practices Committee, was given permission to send a letter to *Geotimes* voicing the Board's concerns.

The Board is participating in a cooperative effort with a committee from the Board of Registration for Professional Engineers and Land Surveyors, focus-

ing on areas of overlap in the boards' respective professions. A working paper currently used by the executive officers of both agencies is being revised to assist the officers in situations in which there is a question as to which class of licensee must attend to a particular task.

#### FUTURE MEETINGS:

To be announced.

#### BOARD OF GUIDE DOGS FOR THE BLIND

*Executive Officer: Manuel Urena*  
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The Board of Guide Dogs for the Blind has three primary functions. The Board protects the blind guide dog user by licensing instructors and schools to ensure that they possess certain minimum qualifications. The Board also enforces standards of performance and conduct of these licensees as established by law. Finally, the Board polices unlicensed practice.

There are three guide dog schools in California. These schools train the blind in the use of guide dogs. Each school also trains its own dogs. Each blind person is then matched with a dog using factors such as size and temperament. To provide this specialized service, the schools must have special facilities, which are inspected by the Board members as needed.

The Board consists of seven members, two of whom must be dog users (Business and Professions Code section 7200).

#### MAJOR PROJECTS:

*Board Anniversary.* On December 4 in Pasadena, Senator Newton Russell honored Dorothy Walker-Scott, who is credited with aiding in the creation of the Board of Guide Dogs for the Blind. The Board itself was recognized with a joint Senate resolution commemorating its fortieth anniversary.

#### RECENT MEETINGS:

At the Board's December 5-6 meeting in Palm Springs, discussion centered on the accessibility of blind persons and their dogs into hospital facilities. While the Board has confirmed a need for guide dogs to be allowed admission when blind persons are visitors to hospitals, it has not taken a similar position regarding dogs of blind patients. In the case of patients' dogs, Board members are concerned about the dogs' presence having a negative impact on hospital

personnel during the hospitalization. As to dogs of blind visitors, an Attorney General spokesperson has stated that a guide dog accompanying a blind visitor should be allowed access to any public area of the hospital.

#### FUTURE MEETINGS:

To be announced.

#### BUREAU OF HOME FURNISHINGS AND THERMAL INSULATION

*Chief: Gordon Damant*  
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The Bureau of Home Furnishings and Thermal Insulation (BHF) regulates manufacturers, wholesalers, dealers, upholsterers, retailers, renovators, and sterilizers of furniture and bedding. In addition, the Bureau establishes rules regarding labeling requirements approved by the state Department of Public Health pertaining to furniture and bedding.

To enforce its regulations, the Bureau has access to premises, equipment, materials, and articles of furniture.

The chief or any inspector may open, inspect and analyze the contents of any furniture or bedding and may condemn, withhold from sale, seize or destroy any upholstered furniture or bedding or any filling material found to be in violation of Bureau rules and regulations. The Bureau may also revoke or suspend registration for violation of its rules.

The Bureau is assisted by a thirteen-member Advisory Board consisting of seven public members and six industry representatives.

#### MAJOR PROJECTS:

*Cigarette Safety Act.* The federal Cigarette Safety Act of 1984 established an interagency committee and a technical study group to determine the technical and commercial feasibility of developing cigarettes and little cigars which would be less likely to ignite upholstered furniture and mattresses. At the request of the technical study group, the Bureau conducted tests for smoldering ignition of chairs by various cigarettes. The results of the tests were presented in three reports submitted to the interagency committee in October.

The tests conducted by the Bureau and other groups led the committee to report to Congress that "it is technically feasible and may be commercially feasible to develop cigarettes that will have a significantly reduced propensity to



ignite upholstered furniture or mattresses." Significantly, however, no experimental or patented cigarettes with those characteristics were tested for consumer acceptance and smoke toxicity. Consequently, the technical study group was unable to determine whether the smoke chemistry or possible prototype cigarettes would differ in significant ways from cigarettes currently on the market. This is an important consideration because even a small increase in the likelihood of cancer, heart attacks, or lung disease would more than offset the reduction in deaths and injuries projected to result from a decrease in cigarette-ignited fires.

In its report to Congress, the interagency committee recommends that legislation be adopted to facilitate the development of prototype cigarettes as well as testing for consumer acceptability and smoke toxicity.

**Survey of Feather and Down Products.** Results of a recent Bureau survey of feather and down products have been released. The results indicate that many products labeled as "down" contain less than the minimum 75% of down as required by law. The random survey was conducted as part of the Bureau's enforcement program.

Reporting on the survey at the December 8 Advisory Board meeting, Bureau Chief Gordon Damant stated that there is clear evidence of unfair business competition in the down industry. Damant reported that the Bureau is taking legal action against the down product manufacturers found to be in violation of the law.

**Palo Alto Insulation Inspections.** The Bureau recently tested 100 cellulose insulation products installed in homes in the City of Palo Alto. Seventy percent of the products tested did not meet standards. The City of Palo Alto is following up the Bureau's survey with an inspection of all such products installed in homes within that city. The U.S. Consumer Products Safety Commission and several other agencies are also involved in the Palo Alto investigation.

**Regulatory Changes.** As previously reported (see CRLR Vol. 7, No. 2 (Spring 1987) p. 52), the Bureau is continuing its efforts to update the fifteen-year-old regulations governing the waterbed industry. The Bureau has asked the Waterbed Manufacturer's Association to suggest regulations for Bureau review. The Association anticipates that the package of suggested revised regulations will be presented to the Bureau in early 1988. The Bureau must also establish

new regulations for waterbed heaters, as required by the recently-enacted SB 1645 (Keene).

As of this writing, the Bureau is preparing to propose regulations concerning seating furniture in high-risk occupancy and public buildings (Technical Bulletin 133). Bureau Chief Gordon Damant states that while no specific definition of a "high-risk occupancy" has been established, the regulations would be aimed at such places as penal institutions, health care facilities, stadiums, auditoriums, and hotel lobbies. A recent survey of approximately 300 California fire departments showed unanimous support for Technical Bulletin 133.

In August 1987, the International Association of Fire Fighters announced in a Washington, D.C., press conference its proposal that the Bureau's Technical Bulletin 133 flammability standard be adopted as a mandatory standard nationwide. Thirteen state legislatures are now considering legislation to adopt the California flammability standard.

## LITIGATION:

In *State v. Sidex International Furniture Corp.*, No. C665406 (Los Angeles County Superior Court), a final judgment was rendered in October. Civil penalties totaling \$66,000 were assessed against Sidex, a Compton furniture manufacturer, in this action enforcing state labeling and flammability requirements. Injunctive relief was also awarded, including an order to comply with a mandatory quality control program. The Bureau was awarded reimbursement for its investigative costs.

## RECENT MEETINGS:

The regular quarterly meeting of the Advisory Board was held on December 8 in Los Angeles. Bureau Chief Gordon Damant announced at the meeting that the Bureau laboratory has now been approved and accredited by the National Laboratory Accreditation Program. Damant also announced the purchase of new laboratory equipment for the testing of thermal conductivity of pipe insulations.

Board members were provided with copies of the Bureau's licensing, complaint, enforcement, and testing activity reports for the first quarter of the 1987/88 fiscal year (July 1 to September 30). During this period, the Bureau issued original licenses to 526 retailers, manufacturers, suppliers, and dealers. Currently, 19,608 licenses are in effect, including those for retail furniture or

bedding (6,553); retail furniture and bedding (7,956); custom upholsterer renovator sterilizer (1,588); and manufacturer, wholesaler, suppliers, dealers (3,511). The enforcement program resulted in the withholding from sale of 3,149 articles and the relabeling of 1,062 products.

Chief Damant reported that the Bureau has hired one new inspector for its enforcement program. Now, two inspectors cover southern California and two inspectors cover northern California.

## FUTURE MEETINGS:

March 8 in Sacramento.

June 14 in San Diego.

September 13 in San Francisco.

December 13 in Los Angeles.

## BOARD OF LANDSCAPE ARCHITECTS

*Executive Officer: Joe Heath*  
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The Board of Landscape Architects (BLA) licenses those who design landscapes and supervise implementation of design plans. To qualify for a license, an applicant must successfully pass the written exam of the national Council of Landscape Architectural Registration Boards (CLARB), an additional section covering landscape architecture in California, and an oral examination given by the Board. In addition, an applicant must have the equivalent of six years of landscape architectural experience. This may be a combination of education from a school with a Board-approved program in landscape architecture and field experience.

The Board investigates verified complaints against any landscape architect and prosecutes violations of the Practice Act. The Board also governs the examination of applicants for certificates to practice landscape architecture and establishes criteria for approving schools of landscape architecture.

BLA consists of seven members. One of the members must be a resident of and practice landscape architecture in southern California, and one member must be a resident of and practice landscape architecture in northern California. Three members of the Board must be licensed to practice landscape architecture in the state of California. The other four members are public members and must not be licentiates of the Board. Board members are appointed to four-year terms.